

the best government is that closest to the people.

They keep quoting Jefferson around here, and instead of block grants like they have for crime and block grants for welfare back to the States, block grants for housing back to the States, here they want to take the authority, the 200-some-year authority from the States and relegate it to the Federal bureaucrats.

I am finally getting in step with the contract. I thank the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I rise today to urge my colleagues to vote in support of cloture on the Gorton substitute for the product liability bill as amended.

The American people support these commonsense changes to this bill. A majority of the Senate has supported these commonsense changes to the bill. But defenders of the status quo are now filibustering the bill and filibustering the changes Americans want.

Who benefits if they win? Some—just some—of our Nation's trial lawyers benefit: those who want to keep the status quo.

Who benefits the most in the status quo? Who has the largest stake in maintaining this out-of-control civil justice system and its runaway punitive damages? I think most of my colleagues know who. Some of our Nation's trial lawyers. And I believe most Americans understand that, as well.

The opponents of change may want to shroud this issue under a smoke-screen of high-blown rhetoric, but when the smoke clears we will see some of the Nation's trial lawyers laughing all the way to the bank. Who else could defend a system where an undisclosed \$601 paint refinishing of an automobile results in a \$2 million punitive damage award? Who else could defend a system where an insurance agent's misrepresentation about a \$25,000 policy could result in a jury award of \$25 million in punitive damages?

We could go on and on. Now, the fact of the matter is, I am not talking about all trial lawyers, just some who literally have milked this system dry.

Everybody knows we have to make these changes. There are excesses in the system, and these excesses are ones that only trial lawyers, some trial lawyers, could love. Runaway punitive damages is one of those excesses.

I urge our colleagues to vote for cloture on this next vote and help us to bring about the change that all America wants and only a few trial lawyers want to avoid.

Mr. President, I rise today to urge my colleagues to support cloture on the Gorton substitute to the product liability bill, as amended. The American people support commonsense change in our legal system. But the stubborn defenders of the status quo are now filibustering the change Americans want. Who benefits? Some of our Nation's trial lawyers, that's who.

As I have mentioned earlier, this bill represents the culmination of a long-standing, bipartisan effort to correct some of the more egregious faults of our product liability and civil justice systems. The defects in our product liability system have been long recognized.

We also passed a provision to apply punitive damage reform to all civil cases whose subject matter affects commerce. As I noted during that debate, punitive damage awards have grown out of control in this country. They have been out of control in all civil litigation—not just product liability cases. Even opponents of this legislation have pointed out time and again that excessive punitive damage awards in this country are most heavily evident in nonproduct liability cases. I agree. That is why I cosponsored the Dole punitive damages amendment, and why I was so pleased that a majority of my colleagues supported it.

That amendment improves the underlying bill by addressing more completely the crippling litigation costs that have been imposed not only on our product manufacturers but on cities and counties, volunteer organizations, service providers, small businesses, and others.

We have also added medical malpractice reform to the Gorton substitute.

Mr. President, I have listened as the champions of the status quo have mislabeled this bill as a manufacturer's bill. It is a pro-consumer bill. I have listened as these opponents of change in our civil justice system talk about the bill as narrowly drawn, covering only some participants in our national economy, even as they, ironically, resist efforts to have some provisions of the bill extended to cover all civil actions. These comments are, with all due respect, diversionary in their effect.

Who benefits the most from the status quo? Who has the largest stake in maintaining, in place, this out of control civil justice system and a runaway punitive damages system? I think most of my colleagues know who—some of our Nation's trial lawyers. I believe most Americans understand that, as well.

The opponents of change may wish to shroud this issue under a smokescreen of high blown rhetoric. But when the smoke clears, there are some of the Nation's trial lawyers, laughing all the way to the bank. Who else could defend a system where an undisclosed \$601 paint refinishing of an automobile results in a \$2 million punitive damage verdict? Who else could defend a system where an insurance agent's misrepresentation about a \$25,000 policy could result in a jury award of \$25 million in punitive damages? Who else could defend a \$38 million punitive damage verdict over the handling of a car loan? Who else could defend a system where liability concerns impede volunteer organizations and are so costly to them?

Now, I am not talking about all trial lawyers, and I understand the vital role lawyers play in vindicating individual rights. But lets face it: there are excesses in the system only some trial lawyers could love.

Runaway punitive damages are one of those excesses. The pending measure fixes this problem, and others. I urge a vote for cloture and allow us to give the American people the commonsense legal reform they want.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 2:02 having arrived, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on the Gorton Amendment No. 596 to H.R. 956, the Product Liability bill.

Bob Dole, Slade Gorton, Orrin G. Hatch, Dirk Kempthorne, Pete V. Domenici, Conrad Burns, John Ashcroft, Dan Coats, Bill Frist, Olympia J. Snowe, Spencer Abraham, Nancy Landon Kassebaum, James J. Jeffords, Ted Stevens, Mark O. Hatfield, Frank H. Murkowski.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Gorton amendment No. 596 to H.R. 956, the product liability bill, shall be brought to a close? The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Rhode Island [Mr. PELL] is absent on official business.

I further announce that, if present and voting, the Senator from Rhode Island [Mr. PELL] would vote "aye."

The PRESIDING OFFICER (Ms. SNOWE). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 47, nays 52, as follows:

[Rollcall Vote No. 152 Leg.]

YEAS—47

Abraham	Coats	Frist
Ashcroft	Coverdell	Gorton
Bennett	Craig	Gramm
Bond	DeWine	Grams
Brown	Dole	Grassley
Burns	Domenici	Gregg
Campbell	Exon	Hatch
Chafee	Faircloth	Hatfield